

Senate File 438 - Introduced

SENATE FILE 438

BY COURNOYER

A BILL FOR

1 An Act relating to regents institutions and the enforcement
2 of state, local, and municipal laws, and personal injury
3 or illness of a peace officer employed by a regents
4 institution.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ENFORCEMENT OF STATE, LOCAL, AND MUNICIPAL LAWS

Section 1. Section 27B.1, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 3. "*Regents institution*" means the state university of Iowa, Iowa state university of science and technology, or the university of northern Iowa. "*Regents institution*" includes an appointed official, officer, or employee of a division, department, or other body that is part of a regents institution, including but not limited to the department of public safety, human resources, or general counsel.

Sec. 2. Section 27B.2, Code 2023, is amended to read as follows:

27B.2 Restriction on enforcement of state, local, and municipal law prohibited.

A local entity, regents institution, or law enforcement department shall not adopt or enforce a policy or take any other action under which the local entity, regents institution, or law enforcement department prohibits or discourages the enforcement of state, local, or municipal laws.

Sec. 3. Section 27B.4, Code 2023, is amended to read as follows:

27B.4 Complaints — notification — civil action.

1. Any person may file a complaint with the attorney general alleging that a local entity or regents institution has violated or is violating [this chapter](#) if the person offers evidence to support such an allegation. The person shall include with the complaint any evidence the person has in support of the complaint.

2. The attorney general shall review the complaint and any evidence in support of the complaint. A local entity or regents institution for which the attorney general has received a complaint pursuant to [this section](#) shall comply with any reasonable document requests, including a request

1 for supporting documents, from the attorney general relating
2 to the complaint. The attorney general shall maintain the
3 confidentiality of all information and records of a local
4 entity or regents institution produced in response to a
5 document request relating to the complaint unless otherwise
6 provided by law or a court order.

7 3. A complaint filed pursuant to [subsection 1](#) shall not be
8 valid unless the attorney general determines that a violation
9 of [this chapter](#) by a local entity or regents institution was
10 intentional or in reckless disregard for public safety.

11 4. If the attorney general determines that a complaint filed
12 pursuant to [this section](#) against a local entity or regents
13 institution is valid, the attorney general, not later than ten
14 days after the date of such a determination, shall provide
15 written notification to the local entity or regents institution
16 by certified mail, with return receipt requested, stating all
17 of the following:

18 a. A complaint pursuant to [this section](#) has been filed and
19 the grounds for the complaint.

20 b. The attorney general has determined that the complaint is
21 valid.

22 c. The attorney general is authorized to file a civil
23 action in district court pursuant to [subsection 6](#) to enjoin a
24 violation of [this chapter](#) no later than forty days after the
25 date on which the notification is received if the local entity
26 or regents institution does not come into compliance with the
27 requirements of [this chapter](#).

28 d. The local entity or regents institution and any entity
29 that is under the jurisdiction of the local entity or regents
30 institution will be denied state funds pursuant to section
31 27B.5 for the state fiscal year following the year in which a
32 final judicial determination in a civil action brought under
33 this section is made.

34 5. No later than thirty days after the date on which a local
35 entity or regents institution receives written notification

1 under [subsection 4](#), the local entity or regents institution
2 shall provide the attorney general with all of the following:

3 a. Copies of all of the local entity's or regents
4 institution's written policies relating to the complaint.

5 b. A description of all actions the local entity or regents
6 institution has taken or will take to correct any violations of
7 this chapter.

8 c. If applicable, any evidence that would refute the
9 allegations made in the complaint.

10 6. No later than forty days after the date on which the
11 notification pursuant to [subsection 4](#) is received, the attorney
12 general shall file a civil action in district court to enjoin
13 any ongoing violation of [this chapter](#) by a local entity or
14 regents institution.

15 7. The district court shall have jurisdiction over an action
16 brought pursuant to this section. The attorney general shall
17 have the burden of proof by a preponderance of the evidence to
18 establish a violation of this chapter.

19 Sec. 4. Section 27B.6, subsections 1, 2, and 5, Code 2023,
20 are amended to read as follows:

21 1. Except as provided by [subsection 5](#), no earlier than
22 ninety days after the date of a final judicial determination
23 that a local entity or regents institution has intentionally
24 violated the provisions of [this chapter](#), the local entity or
25 regents institution may petition the district court that heard
26 the civil action brought pursuant to section 27B.4, subsection
27 6, to seek a declaratory judgment that the local entity or
28 regents institution is in full compliance with [this chapter](#).

29 2. A local entity or regents institution that petitions
30 the court as described by [subsection 1](#) shall comply with
31 any document requests, including a request for supporting
32 documents, from the attorney general relating to the action.

33 5. A local entity or regents institution may petition the
34 court as described in [subsection 1](#) before the date provided in
35 subsection 1 if the person who was the director or other chief

1 officer of the local entity or regents institution at the time
2 of the violation of this chapter is subsequently removed from
3 or otherwise leaves office or employment.

4 Sec. 5. NEW SECTION. **27B.8 Good-faith complaint — no**
5 **retaliation.**

6 A local entity or regents institution shall not blacklist
7 or retaliate against an employee or official who makes
8 a good-faith complaint under this chapter or who gives a
9 statement or testimony in proceedings related to the complaint
10 or action. A local entity or regents institution that
11 retaliates against an employee who makes a good-faith complaint
12 under this chapter is liable to an aggrieved employee for
13 affirmative relief including reinstatement, civil damages,
14 and any other equitable relief the court deems appropriate,
15 including attorney fees and costs.

16 DIVISION II

17 PERSONAL INJURY OR ILLNESS — PEACE OFFICERS AT REGENTS
18 INSTITUTIONS

19 Sec. 6. NEW SECTION. **262.13A Peace officers — personal**
20 **injury or illness.**

21 A regents institution employing a peace officer who sustains
22 a personal injury or illness that arises out of and in the
23 course of employment shall not remove, discharge, involuntarily
24 transfer, or take adverse employment action against the peace
25 officer due to temporary or permanent restrictions that limit
26 or prohibit the peace officer from working special events,
27 overtime, or a specific shift provided the peace officer is
28 able to work any regular shift with or without reasonable
29 accommodations.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to regents institutions and the
34 enforcement of state, local, and municipal laws, and personal
35 injury or illness of a peace officer employed by a regents

1 institution. The bill is organized by divisions.

2 DIVISION I — ENFORCEMENT OF STATE, LOCAL, AND MUNICIPAL
3 LAWS (CODE CHAPTER 27B). The bill defines "regents
4 institution" for purposes of the bill as the state university
5 of Iowa, Iowa state university of science and technology, or
6 the university of northern Iowa, and includes an appointed
7 official, officer, or employee of a division, department, or
8 other body that is part of a regents institution, including
9 but not limited to the department of public safety, human
10 resources, or general counsel.

11 The bill amends current law relating to restrictions on the
12 enforcement of state, local, and municipal laws by a local
13 entity or law enforcement department to include a regents
14 institution. The bill provides that a regents institution
15 shall not adopt or enforce a policy or take any other action
16 under which the regents institution prohibits or discourages
17 the enforcement of state, local, or municipal laws.

18 The bill amends current law to provide that any person may
19 file a complaint with the attorney general alleging that a
20 regents institution has violated the provisions of Code chapter
21 27B relating to the enforcement of state, local, or municipal
22 laws. The attorney general shall review the complaint and any
23 evidence in support of the allegation.

24 The bill provides that a local entity or regents institution
25 for which the attorney general has received a complaint shall
26 comply with any reasonable document requests. The attorney
27 general will maintain the confidentiality of a local entity's
28 or regents institution's records produced in response to a
29 document request. A complaint shall not be valid unless the
30 attorney general determines that a violation by a local entity
31 or regents institution was intentional or in reckless disregard
32 for public safety.

33 Current law provides that if the attorney general determines
34 that a complaint against a local entity is valid, written
35 notification shall be provided to the local entity. Within 30

1 days the local entity shall provide the attorney general with
2 the following: copies of all of the local entity's written
3 policies relating to the complaint, a description of all
4 actions the local entity has taken or will take to correct any
5 violations, and any evidence that would refute the allegations
6 made in the complaint. The attorney general shall file a civil
7 action in district court to enjoin any ongoing violation of
8 Code chapter 27B by a local entity. No earlier than 90 days
9 after a final judicial determination that a local entity has
10 intentionally prohibited or discouraged the enforcement of
11 state, local, or municipal laws, the local entity may petition
12 the district court to seek a declaratory judgment that the
13 local entity is in compliance with Code chapter 27B. A local
14 entity will be denied state funds for the state fiscal year
15 in which a judicial determination in a civil action is made.
16 The bill makes all of these provisions applicable to regents
17 institutions.

18 The bill provides that the district court shall have
19 jurisdiction in all actions brought under Code chapter 27B, and
20 the attorney general has the burden of proof by a preponderance
21 of the evidence to prove violations of the Code chapter.

22 The bill provides that a local entity or regents institution
23 shall not blacklist or retaliate against an employee or
24 official who makes a good-faith complaint or who gives a
25 statement or testimony in proceedings related to the complaint
26 or action. A local entity or regents institution that
27 retaliates against an employee who makes a good-faith complaint
28 is liable to an aggrieved employee for affirmative relief
29 including reinstatement, civil damages, and any other equitable
30 relief the court deems appropriate, including attorney fees and
31 costs.

32 DIVISION II — PERSONAL INJURY OR ILLNESS — PEACE OFFICERS
33 AT REGENTS INSTITUTIONS. The bill provides that a regents
34 institution employing a peace officer who sustains a personal
35 injury or illness that arises out of and in the course of

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1 employment shall not remove, discharge, involuntarily transfer,
2 or take adverse employment action against the peace officer due
3 to temporary or permanent restrictions that limit or prohibit
4 the peace officer from working special events, overtime, or a
5 specific shift provided the peace officer is able to work any
6 regular shift with or without reasonable accommodations.